

	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;">FILED & ENTERED MAR 16 2020 CLERK U.S. BANKRUPTCY COURT Central District of California BY Pgarcia DEPUTY CLERK</div>
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - <u>SAN FERNANDO VALLEY</u> DIVISION	
In re: Hermann Muennichow, Debtor(s).	CASE NO.: 1:17-bk-10673-VK CHAPTER: 7 ORDER GRANTING IN PART MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY) DATE: February 19, 2020 TIME: 9:30 a.m. COURTROOM: 301 PLACE: 21041 Burbank Blvd. Woodland Hills, CA 91367
Movant: U.S. Bank Trust National Association as Trustee of Bungalow Series III Trust	

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation

2. The Motion affects the following real property (Property):

Street address: 38685 Calle De Lobo

Unit/suite number: _____

City, state, zip code: Murrietta, California 9256

Legal description or document recording number (including county of recording):

ADJUSTED PARCEL "3" AS SHOWN ON LOT LINE ADJUSTMENT NO. 39-43 RECORDED
NOVEMBER 11, 1999 AS INSTRUMENT NO. 497684, OF OFFICIAL RECORDS OF
RIVERSIDE COUNTY, CALIFORNIA, ALSO DESCRIBED IN DOCUMENT AS FOLLOWS:

BEING THOSE PORTIONS OF PARCEL 3 AND PARCEL 4, OF PARCEL MAP 10970, ON FILE IN
BOOK 52 PAGES 92 AND 93 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY,
CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF CALLE DE LOBO AND CALLE DE
CAMPANERO AS SHOWN ON AFOREMENTIONED PARCEL MAP 10970; THENCE ALONG THE
CENTERLINE OF CALLE DE LOBO, NORTH 72° 48' 22" EAST A DISTANCE OF 478.20 FEET,
TO A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1800 FEET;
THENCE ALONG SAID CURVE, NORTHEASTERLY, HAVING A CENTRAL ANGLE OF 12° 05' 59"
AND AN ARC LENGTH OF 380.12 FEET; THENCE LEAVING SAID CENTERLINE ALONG THE
NORTHEASTERLY LINE OF AFOREMENTIONED PARCEL 3, NORTH 42° 30' 37" WEST A
DISTANCE OF 376.38 FEET, TO THE CORNER OF PARCEL 3 AND PARCEL 4, PARCEL MAP
10970; THENCE NORTH 84° 51' 18" WEST A DISTANCE OF 218.92 FEET, TO AN ANGLE
POINT; THENCE SOUTH 47° 56' 11" WEST A DISTANCE OF 175 FEET, TO AN ANGLE POINT;
THENCE SOUTH 37° 03' 49" EAST A DISTANCE OF 117 FEET, TO A POINT ON THE
NORTHWESTERLY LINE OF SAID PARCEL 4, PARCEL MAP 10970; THENCE SOUTH 35° 56' 11"
WEST A DISTANCE OF 466.33 FEET, TO THE POINT OF BEGINNING.

☐ See attached page.

3. The Motion is granted under:

- a. ☒ 11 U.S.C. § 362(d)(1)
- b. ☐ 11 U.S.C. § 362(d)(2)
- c. ☐ 11 U.S.C. § 362(d)(3)
- d. ☐ 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:
 - (1) ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or
 - (2) ☐ Multiple bankruptcy cases affecting the Property.
 - (3) ☐ The court ☐ makes ☐ does not make ☐ cannot make a finding that the Debtor was involved in this scheme.
 - (4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.

4. ☒ As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:

- a. ☐ Terminated as to the Debtor and the Debtor's bankruptcy estate.
- b. ☒ Modified or conditioned as set forth below.
- c. ☐ Annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant to enforce its

remedies regarding the Property do not constitute a violation of the stay.

5. ☐ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable nonbankruptcy law, but may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.
6. ☐ Movant must not conduct a foreclosure sale of the Property before (date) _____.
7. ☐ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Agreement contained within this order.
8. ☐ In chapter 13 cases, the trustee must not make any further payments on account of Movant's secured claim after entry of this order. The secured portion of Movant's claim is deemed withdrawn upon entry of this order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this order.
9. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, as to the same terms and conditions as to the Debtor.
10. ☐ The 14-day stay as provided in FRBP 4001(a)(3) is waived.
11. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
12. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement.
13. Upon entry of this order, for purposes of Cal. Civ. Code § 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code § 2920.5(c)(2)(C).
14. ☐ A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion
 - (a) ☐ without further notice.
 - (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
15. ☐ This order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.
16. ☐ This order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion:
 - (a) ☐ without further notice.
 - (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
17. ☐ This order is binding and effective in any future bankruptcy case, no matter who the debtor may be
 - (a) ☐ without further notice.
 - (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.


///

///

18. ☒ Other (specify): *The Court grants relief from the stay under 11 U.S.C. § 362(d)(1) for the movant to offer a potential forbearance agreement, loan modification, refinance agreement or other loan work out or loss mitigation agreement. Movant may contact Helayne Muennichow by telephone or written correspondence to offer such an agreement. To the extent that the subject real property remains property of the estate, i.e., it is not abandoned by the chapter 7 trustee, Court approval of any such agreement is required.*

###

Date: March 16, 2020


Victoria S. Kaufman
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER GRANTING IN PART MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"): Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of March 12, 2020, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

- Benjamin Blakeman , ben@lifeinsurance-law.com
- Reagan E Boyce rboyce@cr.law
- Richard Burstein rburstein@bg.law, ecf@bg.law
- Daniel K Fujimoto wdk@wolffirm.com
- Jorge A Gaitan ecf@bg.law, jgaitan@bg.law
- Steven T Gubner sgubner@bg.law, ecf@bg.law
- Nina Z Javan nina.javan@swmlp.com, gabby@wsrlaw.net
- Robert R Marcus , kkelley@bradley.com
- David W. Meadows david@davidwmeadowslaw.com
- David Seror (TR) aquijsano@bg.law, C133@ecfcbis.com
- Stuart R Simone info@gomezsimonelaw.com,
breyes@gomezsimonelaw.com;info@gomezsimonebk.com;mgomez@gomezsimonelaw.com;marcusgomez@verizon.net
- United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov
- Robert G Uriarte rgulawoffice@gmail.com
- Kelly Warren kwarren@cpl.net
- Kathy Watson BKNotices@snservicing.com, BKNotices@snservicing.com
- Zann R Welch ecfnotices@ascensioncapitalgroup.com
- Robert P Zahradka caecf@tblaw.com
- Kristin A Zilberstein Kris.Zilberstein@Padgettlawgroup.com,
BKecf@padgettlawgroup.com,Kris.Zilberstein@ecf.courtdrive.com,bknotifications@ghidottiberger.com

☐ Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL OR FACSIMILE: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, or via facsimile to the following person(s) and/or entity(ies) at the address(es) indicated below on March 16, 2020:

Gary A Kurtz
Law Office of Gary Kurtz APLC
30101 Agoura Court Ste 118
Agoura Hills, CA 91301